

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

FEB 06 2009
JOHN F. MORGAN, CLERK
BY: 
DEPUTY CLERK

HEATHER JENNINGS, *Administrator of the
Estate of Misty Jennings, Deceased,*
Plaintiff,

v.

H. LEE HART, ET AL,
Defendants.

CIVIL No. 3:08CV00028

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Defendant J.C. Johnson's Motion to Dismiss (docket no. 33) pursuant to Federal Rules of Civil Procedure 4(m), 12(b)(4), and 12(b)(5). For the reasons set forth in the accompanying Memorandum Opinion:

1. Johnson's Motion to Dismiss is DENIED;
2. The Defendants are hereby ORDERED to disclose the legal name, residential address, and telephone number of Defendant J.C. Johnson to Plaintiff with their Rule 26(a) initial disclosures, which are due February 9, 2009; and
3. Plaintiff shall have twenty (20) days from the date that it receives the Defendant's Rule 26(a) initial disclosures, including the information concerning Johnson, to properly accomplish service of the summons and the Complaint upon Johnson.

It is so ORDERED.

The Clerk of Court is hereby directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

Entered this 6 day of February, 2009.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE